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Attorneys for Defendants Von Curtis, Inc., P.M.
Advanced Education Inc., Paul Mitchell Advanced
Education LLC, John Paul Mitchell Systems, PMNV Las
Vegas, LLC, PMCA Bakersfield, LLC, PMHBW LLC,
Winn Claybaugh, John Paul DeJoria, Paul Mantea, D'Ann
Evans, and Ann-Marie Safadi

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 JESSICA MORALES, BERENISA CORTES
4 PALOMINOS, DYLAN THOMAS, JANETTE
5 BARRERA, and FRANCES HANDCOCK,
Individually and on behalf of all others similarly
6 situated,

7 Plaintiffs,

8 v.

9 VON CURTIS, INC., P.M. ADVANCED
10 EDUCATION INC., PAUL MITCHELL
11 ADVANCED EDUCATION LLC, WINN
12 CLAYBAUGH, JOHN PAUL DEJORIA, JOHN
13 PAUL MITCHELL SYSTEMS, PAUL MANTEA,
14 D'ANN EVANS, ANN-MARIE SAFADI, PMNV
LAS VEGAS, LLC, PMCA BAKERSFIELD, LLC,
PMHBW LLC, and "John Does," name fictitious,
name and number unknown, doing business as "Paul
Mitchell The School,"

15 Defendants.

Case No.: C 13-04996 SBA

**JOINT STIPULATION TO CONTINUE
REMAINING FILING DEADLINES
AND HEARING ON DEFENDANTS'
MOTION TO DISMISS FIRST
AMENDED COMPLAINT PENDING
POTENTIAL CASE
CONSOLIDATION; ~~[PROPOSED]~~
ORDER**

Complaint filed: Oct. 25, 2013

Amended Complaint filed:
Apr. 29, 2014

Judge: Hon. Sandra Brown
Armstrong

Trial date: Not set

16 Pursuant to Civil L.R. 6-1(b), Plaintiffs Jessica Morales, Berenisa Cortes Palominos, Dylan
17 Thomas and Frances Handcock ("Plaintiffs") and Defendants Von Curtis, Inc., P.M. Advanced
18 Education Inc., Paul Mitchell Advanced Education LLC, John Paul Mitchell Systems, PMNV Las
19 Vegas, LLC, PMCA Bakersfield, LLC, PMHBW LLC, Winn Claybaugh, John Paul DeJoria, Paul
20 Mantea, D'Ann Evans, and Ann-Marie Safadi (collectively "Defendants")¹ hereby stipulate and
21 agree as follows:

22 **RECITALS**

23 WHEREAS, on June 13, 2014, Defendants filed a Motion to Dismiss Plaintiffs' First
24 Amended Complaint, which is scheduled to be heard by the Court on July 29, 2014, at 1:00 p.m.;

25 WHEREAS, Plaintiffs' opposition to Defendants' Motion to Dismiss is due on June 27,
26 2014, and Defendants' reply brief in support of their Motion to Dismiss is due on July 7, 2014;

27 WHEREAS, a class action entitled *Gerard et al. v. John Paul Mitchell Systems et al.* was

28 ¹ By an through this Stipulation, the parties do not waive any rights or concede any issues.

1 filed on April 22, 2014, in the Superior Court of Los Angeles County, case number BC543275 (the
2 “*Gerard*” case), alleging causes of action against one of the Defendants in this action, John Paul
3 Mitchell Systems (“JPMS”), as well as “John Paul Mitchell the School,” for failure to pay minimum
4 wage and overtime wages under California law and the federal Fair Labor Standards Act, failure to
5 provide meal breaks and rest breaks under California law, failure to provide accurate wage
6 statements under California law, failure to timely pay all earned wages due at time of separation
7 under California law, unfair business practices under California law, unjust enrichment, and civil
8 penalties pursuant to the California Private Attorneys General Act;

9 WHEREAS, JPMS removed the *Gerard* case to the U.S. District Court, Central District of
10 California on June 26, 2014;

11 WHEREAS, on June 26, 2014, the parties’ counsel met and conferred regarding similarities
12 between the two cases and the potential consolidation of the two cases;

13 WHEREAS, the parties hereby stipulate to continue the opposition due date, the reply due
14 date, and the hearing on Defendants’ Motion to Dismiss pending resolution of the consolidation of
15 the two lawsuits;

16 WHEREAS, the parties hereby stipulate and agree that nothing herein affects the timeliness
17 of Defendants’ response to this lawsuit.

18 IT IS HEREBY STIPULATED by and between Plaintiffs, on the one hand, and Defendants,
19 on the other, through their respective counsel of record, that Plaintiffs’ deadline to respond to
20 Defendants’ Motion to Dismiss shall be continued to at least twenty-one (21) days after the Court
21 issues an order granting, denying or otherwise resolving an anticipated request for consolidation of
22 this case and the *Gerard* case; that Defendants’ deadline to file a reply brief shall be continued to
23 seven (7) days after Plaintiffs’ file any opposition brief; and that the hearing on Defendants’ pending
24 Motion to Dismiss the First Amended Complaint be continued to at least fourteen (14) days after
25 Defendants file their reply brief.

26 **IT IS SO STIPULATED.**
27
28

1 Dated: June 26, 2014

DUANE MORRIS LLP

2
3 By:/s/_____

4 Julie A. Vogelzang
5 Edward M. Cramp
6 Courtney L. Baird
7 Attorneys for Defendants VON CURTIS, INC.,
8 P.M. ADVANCED EDUCATION INC., PAUL
9 MITCHELL ADVANCED EDUCATION LLC,
10 PMNV LAS VEGAS, LLC, PMCA
11 BAKERSFIELD, LLC, PMHBW LLC, WINN
12 CLAYBAUGH, JOHN PAUL DEJORIA, PAUL
13 MANTEA, JOHH PAUL MITCHELL SYSTEMS,
14 D'ANN EVANS, and ANN-MARIE SAFADI

10 Dated: June 26, 2014

BRYAN SCHWARTZ LAW
LAW OFFICE OF LEON GREENBERG

11
12 By:/s/Bryan Schwartz

13 Bryan Schwartz
14 Attorneys for Plaintiffs
15 JESSICA MORALES, BERENISA CORTES
16 PALOMINOS, DYLAN THOMAS, JANETTE
17 BARRERA, and FRANCES HANDCOCK


18
19
20 ATTESTATION: Pursuant to Civil L.R. 5-1(i)(3), the filer attests that concurrence in the
21 filing of this document has been obtained from each of the other signatories thereto.

22
23 **ORDER**

24 Pursuant to the stipulation, **IT IS SO ORDERED.**

25
26 Dated: 7/21/2014

By: _____


Hon. Sandra Brown Armsong
United States District Judge